

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CASE NO.: 7:21-cr-00048 (WLS-ALS-3)
	:	
RAFON CARITHERS,	:	
	:	
Defendant.	:	
	:	
	:	

ORDER

Before the Court is an Order and Recommendation (Doc. 722) (“the Recommendation”) from now-retired United States Magistrate Judge Thomas Q. Langstaff entered on September 11, 2024. Therein, Judge Langstaff recommends that Defendant Rafon Carithers (“Defendant”) Motion under 28 U.S.C. § 2255 (“the § 2255 Motion”) be denied.

As background, Defendant was charged by Superseding Information (Doc. 315) with Conspiracy to Possess with Intent to Distribute Methamphetamine. He pleaded guilty, under a Plea Agreement (Doc. 317), to that offense on May 19, 2022. Defendant was sentenced on March 30, 2023, to 310 months’ imprisonment and 4 years’ supervised release. (Doc. 642).

On September 28, 2023, Defendant filed the instant § 2255 Motion. The Government filed a Response (Doc. 666) on November 20, 2023. Judge Langstaff entered the Recommendation (Doc. 722) on September 11, 2024. The Recommendation and 28 U.S.C. § 636(b)(1) provided the parties with fourteen days to file an objection. (Doc. 722 at 12). The fourteen days elapsed with no objection filed.

On October 8, 2024, Defendant filed a Motion for Extension of Time to File an Objection (Doc. 726). The Court granted the Motion, in part, in an Order (Doc. 727) entered on October 9, 2024. The deadline for Defendant to file an objection was, accordingly, extended such that objections, if any, were due no later than September 11, 2024. That deadline expired with no objections filed. Nearly two months later, on November 1, 2024, Defendant filed a “Motion for Request to Amend the 2255 Petition” (Doc. 728) (“Motion to Amend”). Therein, Defendant requested that the Court allow him to file an amended § 2255 petition.

Judge Langstaff denied the Motion in an Order (Doc. 729) entered on November 4, 2024. As such, as of the writing of this Order no objection has been made to the Recommendation.¹

In the absence of objections, the Court reviews the Recommendation for plain error and manifest injustice. *See United States v. Aponte*, 461 F. App'x 828, 830 n.2 (11th Cir. 2012). Upon full review and consideration of the Record, the Court finds neither plain error nor manifest injustice in Judge Langstaff's Recommendation. The Order and Recommendation (Doc. 729) is thus **ACCEPTED, ADOPTED**, and made the Order of this Court, for reason of the findings made and reasons stated therein. Accordingly, Defendant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 654) is therefore **DENIED**. Additionally, consistent with Judge Langstaff's recommendation, the Court finds no substantial showing of the denial of a constitutional right. Therefore, a certificate of appealability of this Order is **DENIED**.

SO ORDERED, this 12th day of February 2025.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT

¹ To be clear, the Court has reviewed Defendant's Motion to Amend (Doc. 728) and does not find that it can be construed as an objection the Recommendation. The Motion to Amend asks only to file an amended petition, and makes no assertion of error, specific or otherwise, regarding the Recommendation. The Court thus treats the Recommendation as without objection.